IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929

RP.No. 938 of 2005()

AGAINST THE JUDGEMENT/ORDER IN CRP.1680/2003 Dated 27/09/2005
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REVIEW PETITIONERS/RESPONDENTS
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1. VARKEY DEVASSIA, S/O.VARKEY,
MANAGING PARTNER, MARIYA FILMS,
KATTAPPANA P.O.

2. DEVASSIA GEORGE, PARTNER,
MARIYA FILMS, KATTAPPANA P.O.

3. DEVASIA JOSE, S/O.DEVASIA,
PARTNER, MARIYA FILMS, KATTAPPANA P.O.

4. DEVASIA MATHEW, S/O.DEVASIA,
PARTNER, MARIYA FILMS, KATTAPPANA P.O.

5. IGNATIUS SEBASTIAN, S/O.DEVASIA,
PARTNER, MARIYA FILSM, KATTAPPANA P.O.

BY ADV. SRI.MATHEW JOHN (K)
SRI.SUJESH MENON V.B.

RESPONDENTS: PETITIONER

STATE BANK OF TRAVANCORE,
NEDUMKANDAM BRANCH, NEDUMKANDAM, REPRESENTED BY
ITS MANAGER.

BY ADV. SRI.SATHISH NINAN
SMT.SREELATHA PUTHELATH.

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 30/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

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R.P. 938 OF 2005 IN

C.R.P. NO. 1680 OF 2003

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Dated this the 30th day of October, 2007.

O R D E R

This review petition is filed seeking to review the order of this Court in CRP 1680/03 dated 27th September, 2005. The revision petitioner therein is the decree holder. The State Bank of Travancore and the present review petitioners are the respondents therein. The revision petition was preferred against the order of the executing Court whereby it refused to condone the delay in filing the review application and also dismissed the review application holding that there is no error apparent on the face of the record. This Court held that so far as the review application under Order 47 is concerned it is not correct to hold that Section 5 of the Limitation Act will not apply and this Court also held that since there was a delay in getting information from the Bank officials the reason for the delay in filing the review application has been properly

explained and therefore condoned the delay. So far as the review application is concerned this Court found that the grounds of review are;

(1) An error apparent on the face of the record

(2) That the party in spite of due diligence not able to give the entire materials before Court and

(3) For any other sufficient reasons.

Though the first two may not be there, this Court was of the opinion that the third ground, namely, for any other sufficient reasons would be sufficient to review and therefore directed the Court below to consider whether there are any such sufficient reasons for reviewing the order and therefore had remitted the matter back for fresh consideration by the Court. The review petitioner is again contending for the position that Section 5 of the Limitation Act is not applicable cannot be accepted since the Court has already taken a view on the matter and rendered its decision. So far as the 2nd point is concerned the Court has applied its mind and arrived at a finding and directed the Court below to find out whether

there are sufficient reasons as contemplated under Order 47 Rule 1 CPC for reviewing the order. Therefore, the review petition lacks merit and it is dismissed.

M.N. KRISHNAN, JUDGE.

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M.N. KRISHNAN, J.

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R.P.938 OF 2005 IN

C.R.P. No. 1680 OF 2003

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O R D E R

30th October, 2007.